SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT APPEAL No.1033 OF 2006

Between:
Pasupuleti Srinivasa Rao **……Appellant**

And
Chandra Lift Irrigation Society,
Konuru Village & others. **……Respondents**

::J U D G M E N T::

Counsel for the appellant : Sri B.Chinnappa Reddy

Counsel for respondent No.1 : Sri Prabhu Nath Vasireddy

13th October 2006

Per G.S. SINGHVI, C.J.

This is an appeal for setting aside order dated 24-8-2006 passed by the learned Single Judge in Writ Petition No.22132 of 2006, whereby he quashed Memo dated 28-6-2005 issued by Superintending Engineer, NSRC O&M Circle, Lingamguntla, Guntur District (respondent No.2), recognising respondent No.6 – Pasupuleti Srinivasa Rao (appellant herein) as the President of Chandra Lift Irrigation Scheme with a direction to Executive Engineer, NSRC O&M Division, Lingamguntla to hand over the subject L.I. scheme to him.

The principal ground on which respondent No.1 society challenged the memo issued by respondent No.2 was that the officer concerned does not have the power, jurisdiction or authority either under the Andhra Pradesh Co-operative Societies Act, 1964 (for short, 'the Act') or any other law to recognise any particular individual as the President of the society.

The learned Single Judge noted that the society was registered on 3-3-2003 with nine executive members; that on 2-1-2005, eight office bearers were elected, but, later on, Gollamudi Purnachandra Rao filed fresh minutes with new office bearers showing himself as the President; that this was followed by election of nine executive members on
13-2-2005, and, in this manner, two managing committees came into existence. The learned Single Judge further noted that on receipt of letter dated 11-3-2005 sent by Executive Engineer, NSRC O&M Division, Lingamguntla, respondent No.2 recognised respondent No.6 (appellant herein) as the President and directed the concerned Executive Engineer to hand over the subject lift irrigation scheme to him. In the opinion of the learned Single Judge, respondent No.2 did not have the jurisdiction to decide the dispute regarding the incumbency of the office of the President of the society because such a dispute could be resolved only by the Registrar of Co-operative Societies under Section 61 of the Act.

We have heard learned counsel for the parties and perused the record. We are in complete agreement with the learned Single Judge that respondent No.2 did not have the jurisdiction to directly or indirectly adjudicate the dispute regarding the incumbency of the office of the President because exclusive power to decide the same vests with the Registrar of Co-operative Societies under Section 61 of the Act. Learned counsel for the appellant could not draw our attention to any provision of law under which respondent No.2 could decide the dispute relating to

election of the managing committee of the society. Therefore, we do not find any valid ground or justification to interfere with the order of the learned Single Judge.

In the result, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP.No.2228 of 2006 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, C.J.

13th October, 2006

C.V.NAGARJUNA REDDY, J.

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